

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15464 of Matthews Memorial Housing, Inc., as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 353.1 for new residential development, and a variance from the floor area ratio requirements (Sub-section 402.4) for the construction of a 102 unit apartment building in an R-5-A District at premises 2622 Martin Luther King, Jr., Avenue, S.E., (Square 5868, Lot 170).

HEARING DATE: April 24, 1991
DECISION DATE: April 24, 1991 (Bench Decision)

SUMMARY ORDER

At the public hearing, the application was amended to eliminate the variance from the off-street parking requirements of Section 2101.1.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 8A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 8A. ANC 8A, which is automatically a party to the application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 353.1. The Board has also required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2101.1 and 402.4. No person or entity appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. The Board also concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 and 3107, and that the requested relief can be granted without substantial detriment to the public

good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the revised plans marked as Exhibit No. 32-A of the record.
2. The number of apartment units shall not exceed 100. At least 50 percent of the units shall be for senior citizens.
3. Indoor facilities for programs and activities for residents and non-residents of the building shall be provided at sub-level 3 of the apartment building.
4. The design of the circular driveways and sidewalk at Dunbar Road shall be coordinated with the Department of Public Works.
5. The outdoor play areas shall not be located on the side of the building where the majority of the senior citizens will reside.
6. The landscaping and design of the two recreation areas shall be further refined. The recreation area closer to Martin Luther King Jr. Avenue be provided with play equipment as suggested by the Department of Recreation and Parks; and the recreation area closer to Dunbar Road, terraced, landscaped and equipped with benches to provide adequate passive recreation space.
7. The applicant shall provide landscaping at least four feet (4') high along the front of the site and along the side off of Martin Luther King Jr. Avenue between the adjacent neighbor and the subject lot.
8. The applicant shall provide a fence with suitable greenery along the driveway leading from Martin Luther King Jr. Avenue to the parking area in front of the proposed building to ameliorate impacts on neighbors.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.


VOTE: 5-0 (Paula L. Jewell, Maybelle Taylor Bennett, Charles R. Norris, Sheri M. Pruitt and Carrie L. Thornhill)

BZA APPLICATION NO. 15464
PAGE NO. 3

to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

MAY 14 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15464/LJP/C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15464

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated MAY 14 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard Johnston
3270 Valley Drive
Alexandria, VA 22302


Charles Bryant
4350 Argyle Terrace, N.W.
Wash, D.C. 20011

Lynwood Eaton
11804 Earnshaw Court
Brandywine, MD 20613

William A. Davis, Jr.
Wilkes, Artis, Hedrick & Lane
1666 K Street, Ste. 1100
Wash, D.C. 20006

Frances G. Croom
2624 Martin Luther King Jr., Ave., S.E.
Wash, D.C. 20020

Alfonso Freeman, Chairperson
ANC 8A
2912 Martin Luther King Jr., Ave., S.E.
Wash, D.C. 20032


EDWARD L. CURRY
Executive Director

DATE: MAY 14 1991